

**Draft Summary of the Plenary Group Meeting  
Oroville Facilities Relicensing (FERC Project No. 2100)  
March 25, 2003**

The Department of Water Resources hosted a meeting for the Plenary Group on March 25, 2003 in Oroville. A summary of the discussion, decisions made, and action items are provided below. This summary is not intended to be a transcript of the meeting, or to indicate agreement or disagreement with any of the items summarized, except where expressly stated. The intent is to present a summary for interested parties who could not attend the meeting. The following are attachments to this summary:

Attachment 1	Meeting Agenda
Attachment 2	Meeting Attendees
Attachment 3	Flip Chart Notes
Attachment 4	DWR White Paper on the Health of the Collaborative
Attachment 5	Meeting Abstracts
Attachment 6	FERC Responses to Questions from Roger Masuda
Attachment 7	Introduction to Dispute Resolutions by FERC
Attachment 8	Process Task Force Update
Attachment 9	Resource Goals Handout
Attachment 10	Where We Are in the Process Presentation

**Welcome and Introduction**

Attendees were welcomed to the Plenary Group meeting and introduced themselves and their affiliations. The meeting agenda and list of meeting attendees are appended to this summary as Attachments 1 and 2, respectively. Meeting flip chart notes are included as Attachment 3.

The participants reviewed the agenda and objectives were discussed. The Facilitator reviewed the established ground rules for the participants and Facilitator and requested that all participants observe them.

**Collaborative Check-Up**

The Facilitator informed the participants that DWR had prepared a white paper response to the discussion on the health of the collaborative that took place during the February Plenary Group meeting. An electronic copy of the white paper was distributed to the participants in advance of the meeting and hard copy handouts were made available at the meeting. The white paper is included as Attachment 4 to this summary. The Facilitator reminded participants that two hours had been scheduled for this meeting to discuss the issues, then asked Ward Tabor representing DWR to review the white paper for the participants. The collaborative observed a moment of silence for the troops and others involved in the situation in Iraq.

Ward said he would attempt to respond to some of the concerns expressed by the collaborative but wanted participants to focus specifically on the comments he was making. He stated that DWR believes a healthy collaborative is needed and that the collaborative as a whole needed to collectively decide whether any changes in the process were needed. Ward asked for a show of hands of those who believed the collaborative could reach a settlement (most participants raised their hands). Ward then asked for a show of hands of those believing a settlement was impossible (no one raised their hand).

The first point reviewed was whether a different definition of consensus is needed. Ward said that a key area of the discussion last month dealt with individual organizations' participants and how they would be counted during a call for consensus. He reminded the group that most of the people at the table were not the ultimate decision-makers for their respective organizations. He added that some organizations could only participate through a representative and most often that would be a consultant. Ward described the concept of negative polling and why it is part of the Process Protocols. Asking an organization representative to say they affirmatively support a particular issue is difficult, as most representatives do not have specific authority as decision makers. Negative polling allows participants to express concerns or raise doubts and makes it easier to identify what an organization would not support, as opposed to representing an organization's affirmative response. Ward noted that negative polling has been a major success of this collaborative. He reminded the participants that through negative polling the Process Protocols were approved, as well as 71 study plans. Ward suggested that as the collaborative goes through the process toward a settlement, the use of negative polling should continue.

Ward next addressed the question of who should sit at the table during Plenary Group meetings. Ward stated that DWR believes every participant has the right to sit at the main table if they so choose. Ward added that consultants also deserve to be at the table, and he used DWR's consulting Project Manager as an example of a consultant who should be at the table because of his important role in achieving a settlement agreement.

Ward talked about the concept of overriding weight as part of consensus and how it applied to Mandatory Conditioning Authorities. He reminded the group that there are certain participants involved in the relicensing process that are "heavyweights" due to their authority to mandate certain conditions and the need to make sure their concerns are addressed. Ward said if those participant agencies say no to a specific term of settlement within their authority, then we would not have consensus on that issue under the jurisdiction of the MCA. Ron Davis stated that he thought consensus meant majority opinion, but Ward clarified that is not the definition used in the Process Protocols.

Ward discussed how the collaborative process could better meet the expectations and needs of the participants. He mentioned the concerns expressed about the extraordinary demand of time needed to participate in the process. He added that some participants think there are too many meetings, while others feel there are not enough. Overall, DWR feels the process - as is - is meeting the needs of many of the participants, but not all. Ward sees the logical progression taken by the collaborative so far - from sharing concerns and issues, to identifying resource goals and the developing study plans. Stakeholders have the ability to provide input to the process; however, it is up to them to take the opportunity to participate. Ward added that all participants need to focus their energies on important issues and to let go of less important ones and to participate at the work group level where potential resource actions are being formulated.

Ward mentioned that another way of managing time demands would be to seek out a coalition with like interests to focus energy, such as the Joint Powers Authority. Frances Kelley wanted to know who determines which issues are "most important" or "less important." Ward replied that it was up to the individual to determine for themselves. He reiterated the need to focus on key issues that should be included in the new license. He added that DWR needs to focus on what FERC and the mandatory conditioning authorities are going to insist be included in the new license. Patrick Porgans commented that he sees the work groups as moving targets. Ward agreed that they are moving targets, because that is where the resource actions are being identified and addressed. Rick Ramirez with DWR agreed that at this point in time, a majority of the work is taking place in the work groups where large amounts of data are being processed.

Patrick Porgans questioned the cumulative impacts approach and questioned whether DWR has met the federal agencies' needs. Ward responded that when the fisheries agencies left the guidance document discussions, they reiterated their desire to continue working within the technical work groups to discuss their issues and concerns, which has happened within the Environmental Work Group with both National Marine Fisheries Service and U.S. Fish and Wildlife Service engagement.

Ward next addressed the questions of whether decisions are being made outside the Plenary Group, whether the Facilitator is showing bias, and suggested the need for peer review. Ward said DWR is making its decisions within the collaborative process and is here to reach a settlement agreement. He added that the need may arise for some participants to meet one-on-one or in small groups when looking for a coalition to help create the settlement agreement and that this type of outside meeting is accommodated in the Process Protocols, provided no decisions are made.

Ward stated that DWR believes the Facilitator is independent and objective; however, he acknowledged that too often she has been placed in a position to defend DWR's approach because DWR has remained silent. He noted that DWR believes the Facilitator has neutrality and is considered a key person in moving the process forward and keeping everyone on task. Ward said that DWR would be more vocal about its issues in the future.

DWR feels that peer review is embedded within the structure of the collaborative by the participation of various agencies and experts and does not see the need for adding more layers to the process. Ward added that DWR is willing to revisit this issue as the process moves forward.

Cathy Hodges representing Equestrian Riders/Hikers said she is participating in the process because of her interests in trails and she opposed the action taken to convert the Oroville area trails to multi-use. She contended that the action was taken outside the National Environment Protection Act, that a California Environmental Quality Act exemption was filed inappropriately, and that there was no opportunity for public input. Ward acknowledged her concerns and agreed that the process to change the use designation could have been handled better. He clarified that FERC asked DWR to hold the recent public meeting to seek public input and then to file an amendment, if appropriate, to address the trail designation. He added that DPR does have authority to manage the trails under the existing license and informed the participants that DWR is currently preparing an amendment to the existing FERC license to address trail use.

The Facilitator reminded the participants that a lot of time had been spent talking about existing trails issues in this forum, and that time should be used to discuss future license issues. Participants in this collaborative should be focused on developing a recreation management plan to take us forward that everyone in this group could live with. She also noted that the DWR individuals involved in existing compliance issues and the trails amendment were not in attendance to further the discussion. Harry Williamson with the National Park Service added that trail use was not part of the agenda and requested that the Plenary Group get back on track.

Patrick Porgans asked the State Water Contractor representatives if the language proposed by Richard Roos-Collins with Natural Heritage Institute defining "participant" was acceptable to their decision-makers. Craig Jones representing the SWC informed the participants that the concept was discussed at the last SWC Board meeting, and although specific language was vague, the SWCs were in agreement with the concept proposed. Craig used the example of multiple representatives from Metropolitan Water District attending a meeting voicing one vote during calls for consensus to confirm his understanding of the concept. Ken Kules with MWD confirmed that his decision-makers were also receptive to the language proposed, and he offered an alternative

explanation to Ward's earlier statement regarding the overriding weight in consensus. Ken suggested a need to understand the consequences of decisions made and the need to measure the importance of an individual's disagreement. Mark Andersen with DWR added that FERC's definition of consensus was used for a specific reason. It implies that there are stakeholders who have different weights of opinion for issues under their control. Richard Roos-Collins asked the group if the definition of participant was acceptable. He added that FERC's definition of consensus is deliberately ambiguous and would be different in each case. Jim Fargo with FERC agreed and said the FERC definition is to prevent one person's fears from precluding the use of the ALP. The Plenary Group agreed by consensus to add language to the Process Protocols that would state: "Multiple representatives of a given Participant constitute one Participant for the purposes of this Protocol."

Roger Masuda representing Butte County suggested having a placard for each voting participant (group) and the representative with the placard has the voice. He also noted that the County has several existing license issues it wants to address within this process. Mike Mainz with DFG believes that consensus within this process has worked very well to date, and he reminded the participants that a collaborative settlement does not mean you are going to get everything you want; rather, hopefully it will be something you can live with. He added that he came to work on a new license within this collaborative and is not interested in issues related to the existing license. Rick Ramirez noted that there have been many successes in this collaborative and DWR has been recognized embracing the ALP. He added that bringing existing license issues into discussion would increase the number of DWR representatives at the table because staff who work on the existing license differ from those on relicensing. Jim Fargo supported Rick's opinion, but added that it does not mean existing license issues cannot be raised and discussed within the context of the future license.

Craig Jones feels the process is working and that negative polling provides a way to identify participant heartburn issues. He added that the collaborative may ultimately be unable to reach consensus, which is when the weight of overriding opinion comes into play. Richard Roos-Collins suggested that the collaborative follow the Process Protocols and compile a roster of participants involved in the Plenary Group and individual work groups, listing each participant and its primary representative. Roger Calloway objected to a roster if it would exclude anyone from participating in the future and requested clarification of its purpose. He added that since this is an open process and people are allowed to join at any time, the roster should be open-ended and also allow inclusion of participants not representing an organized group. Richard clarified that the roster would identify the primary representative of each organization and would include individuals as participants.

Mike Mainz asked if new participants could be added all the way to the end of the process and Ron Davis expressed concern if someone currently not participating can come in on the last day and have a vote in consensus. Scott Lawrence with the Feather River Recreation and Park District asked if organizations involved that have multiple representatives would be expected to identify only one participant. The Plenary Group decided that multiple primary participants could be identified for individual organizations based on their area of expertise. Richard Roos-Collins said that the group was really discussing two different phases in a decision process – one phase is the discussion and the other is the actual decision. Richard felt at the discussion level, the roster would mean nothing and all would be invited to participate, while at the decision step or call for consensus, the roster would serve as a guide. Roger Masuda again suggested the use of placards when voting. Harry Williamson liked the idea of a roster as a reference and suggested it also include the person who ultimately has the decision-making authority within each agency/organization. Patrick Porgans agreed both the roster and placard ideas were good, but still questioned whether the process is meeting the needs of the participants.

Patrick said he is no longer comfortable with this process and did not feel that the local interests were being heard. Mike Mainz said there are ongoing issues and no one is being ignored. Mike stated that Ron Davis made several objections on the development of study plans and the group worked to resolve his issues. Ron agreed that he did see changes within the study plans in response to his requests. Patrick then read a portion of a letter from NMFS to DWR that outlined concerns NMFS had with a draft cumulative impacts guidance document prepared by a task force of the collaborative and asked if these issues have been resolved to NMFS' satisfaction. Chip Lynch with NMFS was unfamiliar with the letter and referred Patrick to Eric Theiss, also with NMFS; however, Rick Ramirez provided the participants with more information regarding the letter DWR received from NMFS. Rick explained that DWR responded to the concerns raised in the letter relative to cumulative impacts. DWR was asked to adopt a cumulative impact definition submitted by NMFS/FWS. Instead, DWR used a definition that also included other stakeholder input from the various work groups. Rick added that both NMFS and FWS continue to be engaged in the process. Rick asked to return to the agenda for conclusion and asked if consensus was reached on a roster of representatives.

Richard Roos-Collins, responding to the issue of local participants' lack of confidence, suggested conflict existed before the ALP began. He commented on the anger and frustration associated with the administration of the existing license and stated that the reality of those emotions has not been addressed. Richard asked whether Patrick Porgans was requesting a task force to look at compliance issues that could not wait until settlement. Patrick responded that he had no issues with the existing license but suggested that the local participants and the Native Americans may, and if DWR wants to bring everybody to the table and resolve long-standing concerns that might be a good place to start. Richard reiterated his original question: "with respect to the current license, are there compliance issues that have to be resolved as far as the locals are concerned in advance of the 2004 settlement date?" Patrick replied that he could not answer that question. Harry Williamson endorsed Richard's idea for handling existing license issues separately, in a task force, if necessary, and he also noted that some participants have not followed the ground rule that directs participants to leave baggage behind. Ward Tabor agreed that there are legitimate issues with the current license that DWR hopes to make clear in the new license. He mentioned for example that the new license would do a much better job addressing the cultural resource issues. Roger Masuda said that the Process Protocols also recognize there may be some issues with the existing license that need to be resolved during the ALP.

Craig Jones said he would support a non-binding roster and added that we need to learn from the errors of the past and focus on what needs to be improved for the new license. Art Angle suggested it would go a long way in making the process proceed properly if some of the issues under the existing license were addressed. Ken Kules agreed that everyone should learn from the past and asked if the Plenary Group had the authority to prepare a new framework for the existing license. Rick Ramirez said this ALP should focus on the future post-2007 license conditions while not ignoring current license issues. Rick agreed that DWR needed to exhibit goodwill in the process and had heard in the collaborative process that Riverbend Park would be an excellent beginning in the development of trust. He added that DWR has been meeting with the Tribal Chairs to gain a better understanding of their needs.

The Facilitator asked for consensus on an open-ended roster to identify participants and their final authority. Richard Roos-Collins also revisited the issue of placards for existing participants to use when it comes time for "voting." Mike Mainz stated he does not particularly like the idea of placards, but in the spirit of collaboration, he can live with it. The Plenary Group confirmed that even those without the placard would have the right to voice their opinion during discussions and participate in the process. The participants agreed by consensus to the development of a roster to

include participant, primary representative, and ultimate decision-maker and to the use of placards to indicate the primary representative of a participant for the purpose of consensus.

The Facilitator asked if a task force was needed to discuss existing license compliance issues that participants believe cannot wait until 2004 that, if left unresolved, would stand in the way of a settlement agreement. Roger Masuda asked why unresolved existing license issues could not be submitted to DWR through PM&Es. Mike Meinz agreed that issues such as horse trails and Native American issues should be dealt with as PM&Es and not through a separate task force.

Scott Lawrence suggested that if participants have existing license concerns they believe need to be addressed, they should submit them to DWR and/or the Facilitator as action items and revisit them at a subsequent meeting. Frances Kelley suggested that the old license and the new license could be blended together. Patty Reese-Allen commented on an earlier statement about the financial support provided by DWR to the Native Americans for their participation and requested that the record show they are very limited in the amount of work they are allowed to perform.

Roger Masuda suggested that maybe someone from FERC's existing compliance department could come out and explain to the group how license compliance issues are enforced. It would be helpful if it were someone familiar with the Oroville Facilities and ORAC. Rick Ramirez said he would check into the possibility.

Richard Roos-Collins told the group that they have a very difficult job to do: to reach settlement on the terms of the new license to be in place for the next 30 to 50 years. To do our job we need to be efficient. Every meeting he has attended has involved current license issues. He likened the dispute between DWR and the locals to an anchor on a ship which could drag the process down. He would like everyone to look forward and stop looking back. Sue Corkin with the JPA agreed that revisiting past issues will not move the process forward, and that if the issues will not go away, we need to talk about them in a constructive manner. Roger Masuda reiterated his suggestion of requesting someone from FERC that is familiar with the license come out so participants can learn how to address their issues. Harry Williamson was in favor of Roger's idea, adding that it might help people understand what a compliance order means. Richard Roos-Collins reminded the Plenary Group that the sole purpose of this collaborative is to reach a settlement to resolve old and new issues for the term of the license. Richard said that if participants wanted to address issues outside the purpose, it should be up to the individual to bring back solutions.

Patrick Porgans said the issue is not about FERC but about trust and FERC cannot bring trust. He believes trust is based on performance and feels he has spent an inordinate amount of time on this process and he has no assurance that there will be a settlement agreement or if he will be a part of it. He informed the Plenary Group that his issues are now going to the dispute resolution stage. Patrick also asked that the meeting summary include his perception that all of the local participants at the Plenary March 25, 2003 meeting expressed their lack of confidence and trust in the collaborative "ALP."

### **Meeting Abstracts**

The Facilitator pointed out that abstracts covering work group meetings held since the last Plenary Group meeting are included with the meeting agenda. Abstracts are provided as Attachment 5 to this summary. Participants were informed that complete work group meeting summaries are posted on the relicensing web site.

### **Action Items – February 25, 2003 Plenary Group Meeting**

The Facilitator reviewed the status of the action items from the February 25, 2003 Plenary Group meeting.

**Action Item #P118:** Discuss with Eric Theiss the possibility of DWR purchasing better teleconference equipment.

**Responsible:** DWR/Rick Ramirez

**Status:** The Facilitator pointed out that DWR is testing new teleconference equipment at this meeting and the same set up would be used at the March 26 Environmental Work Group meeting. Richard Roos-Collins said the microphones were much better and Nan Nalder, telephoning into the meeting, said that when participants use the microphones the new system works better than the previous system.

**Action Item #P119:** E-mail to review suggested revised language for process protocols: add footnote to Page 1, Section 1 to read “Multiple representatives of a given participant constitutes a single participant for the purpose of decision making protocols as established in Section IV.D.”

**Responsible:** DWR

**Status:** The Facilitator stated that the language was included in the white paper prepared by DWR.

**Action Item #P120:** Memo from Roger Masuda to Jim Fargo relating additional economic questions to Plenary Group Participants.

**Responsible:** The Facilitator

**Status:** Roger’s memo was e-mailed to the participants prior to the March 25 Plenary Group meeting.

**Action Item #P121:** Provide written responses to additional questions received from Roger Masuda.

**Responsible:** Jim Fargo/FERC

**Status:** The Facilitator distributed copies of Jim’s responses to the participants. A copy of the handout is appended to this summary as Attachment 6.

### **Mutual Gains Discussion – FERC**

Rick Miles from FERC led a group discussion on mutual gains negotiation benefits. Rick Miles began the discussion by providing the participants with a brief overview of his work experience. He has been with FERC for 30 years and spent 12 years as a FERC trial attorney, where he dealt only with hydroelectric issues. Currently, Rick heads the Dispute Resolution Service within FERC. He distributed a booklet entitled “Introduction to Dispute Resolutions.” A copy of the booklet is included with this summary as Attachment 7. Some of the topics discussed by the group included differences between positional- and interest-based negotiations and the seven key elements in negotiating. Rick complimented the collaborative on reaching consensus on 71 study plans. He reminded the group that it is important to know one another’s interest(s) and to acknowledge them. Rick said the roster is a great idea and could be used to track the interests of individuals. Rick offered his observations on the first half the Plenary Group meeting, including the need to understand who is negotiating for a particular group (making sure they are speaking with one voice), and the issue of new participants entering the process in the late stages. Rick feels any newcomers to this process agree to accept it in its exact state upon entry. He also acknowledged the importance of trust and remarked that it must go both directions. He suggested that trust is like respect – most individuals are entitled to a certain level of respect, but each person needs to

continue earning that level of respect. Rick endorsed an open-minded approach to option development, meaning no one is permitted to critique options. Rick also thought there is a certain benefit to a level of confidentiality and suggested to the group that when engaged in negotiations they might consider them to be confidential. He said there are times when you want to give and take, even when negotiations are interest-based. Rick is not suggesting that all meetings be considered confidential, but thought that when negotiations begin in earnest, it might be good to keep them confidential.

Richard Roos-Collins asked Rick for an outside opinion on trust concerns verbalized during the process check-up this morning. Rick Miles responded that there is clearly some distrust and some of it may be based on the fact that individuals do not understand the dynamics of the relicensing process. Roger Masuda asked whether FERC's ADR office is willing to take on conflicts. Rick responded yes, providing participants are willing. Rick provided the group with the toll-free number for the ADR office, which is 1-888-FERC-ADR (1-888-337-2237). He added that it appears the trails issue seemed to need resolution, but he warned that sometimes an individual in a collaborative will never "trust", and that it might be better to exclude those that are disruptive rather than risk losing the rest of the participants. Rick told the participants that they have to keep working at trust. If something is wrong, stop the process and talk about the problem, but recognize that some will never trust anything, and you will need to leave them behind and move on.

Rick Miles went on to say that right now the collaborative has control over what the new license will look like. Jim Fargo added that the alternative dispute resolution process and the services of Rick Miles' office are already envisioned in the ALP for any collaborative dispute that cannot be resolved from within. Jim also wanted to clarify that if the collaborative fails, reverting to the traditional licensing process does not preclude stakeholder involvement.

Richard Roos-Collins suggested the work groups are functioning at an "A-" level and the Plenary Group is functioning at a "C" level. Richard wanted to know if Rick could suggest a training course shorter than two days to assist the collaborative participants. Rick replied that a one-day training session is available. He also mentioned that Saturday sessions are available. Roger Masuda suggested putting off any training until forming PM&Es so it can be "real time" training. Rick felt that knowing there are options to negotiating strategies might alter some behavior.

### **Process Task Force Update**

Ward Tabor with DWR provided the participants with an update on the Process Task Force. His presentation is included as Attachment 8 to this summary. He reminded the group that the Resource Action Identification Form was approved during the February 25 Plenary Group meeting. Ward also informed the collaborative that the consulting team consolidated resource goals from every issue sheet and developed a Resource Goals handout (Attachment 9). The group was reminded that the Resource Action submittal dates were April 7, 2003 and June 16, 2003. Ward reinforced that these dates were target dates and not deadlines. Ward's presentation also included the date of the next Process Task Force meeting, as well as items on the task force agenda. Harry Williamson noted the target date for submitting Resource Action forms was ambitious and difficult for those participants who need to base their recommendations on study results. Ward acknowledged the difficulty but noted that the Preliminary Draft Environmental Assessment (PDEA) due date was only one year away which meant an internal draft needs to be finished sooner.

Ken Kules asked for clarification of the pathway for Resource Actions that do not originate within a work group. Ward identified Rick Ramirez as the appropriate person to whom to submit such Resource Actions and said that Rick would forward proposals to the appropriate work group. Ward



added that there would be a tracking system available on the relicensing web site, and distributed at work group meetings.

### **Where We Are in the Process**

Mark Andersen with DWR provided the participants with an update on where we are in the FERC relicensing process. His presentation is included at Attachment 10 to this summary. Mark reminded the collaborative that Scoping Document 2 (SD2) was released just prior to the February 25 Plenary Group meeting and we are approximately halfway through the comment period. The deadline for submitting comments on SD2 is April 29, 2003. He also mentioned that interim study results would continue to be submitted within the next six months and that work was underway on the PDEA.

### **Next Steps**

The Facilitator stated that after the comment period ends for SD2, the comments received would be gathered and presented to the Plenary Group. The participants then discussed what work the Plenary needed to accomplish in April and whether there was a need for an April 2003 Plenary Group meeting. Nan Nalder suggested foregoing an April meeting in order to allow time to go through all the issues at hand so in May the group could have a productive meeting. The Facilitator proposed to the group that the Process Task Force use the April Plenary Group meeting date and come back to the Plenary Group in May with products. Richard Roos-Collins asked what the task force would be discussing. The Facilitator identified the remaining tasks given to the Task Force as developing protocol to guide the collaborative through the settlement negotiation process and suggesting additional language as necessary to describe meeting summary and cancellation policies.

The participants agreed there was no need for the Plenary Group to meet in April and they discussed whether they should begin meeting every two or three months until the demand is there for monthly meetings. Mike Mainz suggested keeping all the dates on the book as placeholders and cancel as necessary. The Facilitator noted the need to make those who are not present aware of the decision to cancel the April Plenary Group meeting and DWR said a notice would be sent to the Plenary Group distribution list. It was agreed by the Plenary Group to cancel the April meeting. The participants further agreed to consider whether the May agenda would warrant a face-to-face meeting or whether it was more appropriate to hold a conference call in May. The Facilitator will confirm necessary agenda items for the May meeting, determine if a conference call is appropriate, and notify the Plenary Group distribution list.

### **Next Meeting**

Date: May 20, 2003

Location: To be determined. Depending on agenda items, the May meeting may be held via a conference call.

### **Agreements Made**

The Plenary Group agreed by consensus to add language to the Process Protocols stating: "Multiple representatives of a given Participant constitute one Participant for the purposes of this Protocol."

The participants agreed by consensus to the development of a roster to include participant, primary representative, and ultimate decision-maker and to the use of placards to indicate the primary representative of a participant for the purpose of consensus.

The participants agreed that there was no need for the Plenary Group to meet in April.

### **Action Items**

The following action items identified by the Plenary Group include a description of the action, the participant responsible for the action, and due date.

**Action Item #P122:** Develop a roster that identifies participant, primary representative(s) and ultimate decision-maker.

**Responsible:** DWR/Consulting Team

**Due Date:** May 20, 2003

**Action Item #P123:** Develop placards for primary representatives of participants to use during call for consensus.

**Responsible:** DWR/Consulting Team

**Due Date:** May 20, 2003

**Action Item #P124:** Investigate and report on the potential for FERC to attend a Plenary Group meeting to explain enforcement of license compliance issues.

**Responsible:** Rick Ramirez

**Due Date:** May 20, 2003

**Action Item #P125:** Inform Plenary Group distribution list about April meeting cancellation.

**Responsible:** DWR

**Due Date:** ASAP

**Action Item #P126:** Confirm format needs for May agenda items based on Plenary activities.

**Responsible:** Facilitator/DWR

**Due Date:** May 6, 2003